

EXHIBIT 1

BIRMINGHAM REPORTING SERVICE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DIVISION OF ALABAMA
WESTERN DIVISION

JANICE MORGAN, BARBARA)
RICHARDSON, CORA CANNON,)
LAURIE R. TROUT (WILSON))
on behalf of themselves)
and all others similarly)
situated,)

Plaintiffs,)

v.) CV-01-C-0303-W

FAMILY DOLLAR STORES,)
INC.,)

Defendants.)

S T I P U L A T I O N S

IT IS STIPULATED AND AGREED
by and between the parties through their
respective counsel, that the deposition of

KARL HAIGLER

COPY

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1 Dollar Stores, who is defendant in the
2 lawsuit we presently have pending in the
3 Northern District of Alabama. As I
4 understand it from your attorney, you are
5 not an expert in this case but rather been
6 used as a technical consultant. And I
7 guess I should address it to you. Am I
8 correct in that understanding?

9 MR. MAY: He has not been
10 designated and he is not designated as an
11 expert. He has not been engaged in
12 connection with this litigation. He was
13 not engaged by Family Dollar in connection
14 with this litigation. He was engaged by
15 Family Dollar well prior to this
16 litigation and is totally unassociated and
17 without the knowledge of this litigation.

18 (Whereupon, Plaintiffs' Exhibit No. 1,
19 NOTICE OF DEPOSITION, was marked for
20 identification and the same is attached
21 hereto.)

22 MR. CHILDS: Okay. First off, I
23 guess I'm going to put into evidence as

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1 with John Clifford and Jim May back in May
2 of last year --

3 A Yes.

4 Q -- that was here in Birmingham?

5 A No, that was at Family Dollar.

6 Q Family Dollar in -- where are they
7 located, Charlotte?

8 A Yes.

9 Q Okay. And how long was that
10 meeting?

11 A I think it was about an hour, an
12 hour and a half. It wasn't that long.

13 Q And what did you discuss in that
14 meeting?

15 A The background of the Must Program
16 and how the job profiling came out of the
17 -- and what we did the job profiling for
18 in the terms of the Must Program.

19 Q Okay. And what did you tell them
20 in answer to what you did the work
21 profiling for in regard to the Must
22 Program?

23 A Well, this was specifically a

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1 project to develop training inside the
2 stores or -- either inside the stores or
3 for people who wanted to go to work for
4 Family Dollar in assistant manager
5 positions. That was our focus.

6 Q The assistant manager, not the
7 manager?

8 A Yes, that is correct.

9 Q Okay.

10 A Yeah. So I was the lead in the
11 project, and I involved some associates in
12 South Carolina, the state of South
13 Carolina, who were experts in using
14 material from the WPS, the Work Profiling
15 System, to develop curriculum for
16 training. So the reason we did the -- I
17 was explaining in the meeting that the
18 reason we did the profiling was in order
19 for my associate at the South Carolina
20 Workplace Resource Center, Joan Mason, I
21 was using this information with her to
22 give her some guidance in developing the
23 training program for the assistant manager

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1 position. So that's what the meeting was
2 about.

3 Q In doing this work, were you
4 attempting to identify all of the duties
5 and responsibilities of the assistant
6 manager store manager?

7 A No.

8 Q Were you trying to determine all
9 the duties and responsibilities of the
10 store managers?

11 A No.

12 Q Only those that could be utilized,
13 in your opinion, to help train somebody?

14 A Well, the process that we used is
15 to identify the critical task categories
16 that are most critical to achieving the
17 job objectives. So, it would be -- in
18 terms of the process, we asked each of the
19 subject matter expert groups in three
20 cities -- that is, in Atlanta, Charlotte,
21 and Columbia -- to help us by defining
22 their job in terms of their main function
23 and their job objectives. They did that

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1 on a blank piece of paper each time. I
2 facilitated that -- gathering that
3 information. And from that information,
4 we then said, "What are the critical task
5 categories that would help you achieve
6 those job objectives?" So, they had a
7 choice of thirty-one task categories. And
8 in each group, they narrowed it down to
9 eight to twelve task categories to help
10 achieve those job objectives.

11 Q But you weren't going through and
12 actually trying to define for store
13 managers exactly what percent of the day
14 was spent performing specific tasks in
15 their store?

16 A No.

17 Q And you weren't trying to do that
18 for the associate or assistant managers
19 either?

20 A That's correct.

21 Q And in fact, you did not attempt to
22 inquire of your subject matter experts how
23 much time, for instance, they spent

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1 categories are reflected on the cards,
2 these cards. And it's from these
3 thirty-one task categories that the
4 subject matter experts chose; the top
5 eight to twelve that are most critical for
6 their job objectives.

7 Q So, in essence, the subject matter
8 experts were shown the tasks as put in
9 place by the SHL Work Profiling System
10 Program?

11 A That's correct.

12 Q They were not allowed to go in, so
13 to speak, on a clean slate and pick the
14 task categories themselves; they would
15 have been confined to those that were part
16 of the SHL Work Profiling System?

17 A That's correct.

18 Q 'Did you give any consideration to
19 going in with a blank slate as opposed to
20 trying to limit the tasks that they could
21 list by -- to those that were part of the
22 SHL Work Profiling System?

23 A No.

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1 good at it. So the question was: How
2 good do we need to be in order to develop
3 technical details; and then -- for
4 training; and then if we wanted to do that
5 across a number of jobs, how would we be
6 able to compare results across a number of
7 jobs? So all of that pointed to me that
8 we needed to do a more standardized --
9 have a more standardized way of collecting
10 job information.

11 Q Well, let me ask you a more
12 important question. As of 2000, weren't
13 you working for SHL?

14 A Yes.

15 Q So would SHL want you to be using a
16 system that was used at a company that you
17 used to work at as opposed to their work
18 profiling system? Weren't you, in fact,
19 selling your own system at that time?

20 A I'm trying to understand the
21 question.

22 Q Well, in 2000, you were working for
23 SHL?

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1 focus groups across three markets would be
2 adequate for the purposes of developing
3 training. I said that based on not only
4 understanding the system and having used
5 the system for that purpose in the past,
6 but also in having worked with the
7 Workplace Resource Center in South
8 Carolina who had used the same system.
9 So, my idea was to try to build on the
10 work in the experience I already had
11 myself, as well as they had, and use the
12 system that Family Dollar owned; that is,
13 the Work Profile System.

14 Q Do you feel that this system and
15 program would be sufficient for
16 determining what work was being performed
17 by all Family Dollar Store managers in all
18 stores?

19 A Say that again.

20 Q Do you think this program and the
21 work that was done as part of this would
22 be sufficient for you to determine the
23 actual work that was being performed by

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1 store managers in twenty-five hundred
2 Family Dollar Stores?

3 MR. MAY: Object to the form. You
4 can answer it.

5 A For the purposes of training
6 around, particularly, in a pre-employment
7 mode, I think it would -- it would not be
8 sufficient. I think it would be a
9 starting point but not sufficient.

10 Q Would it be sufficient to answer a
11 question as to whether a store manager
12 should be included within the exempt
13 category under the Fair Labor Standards
14 Act?

15 MR. MAY: Object to the form.

16 Q In your opinion?

17 MR. MAY: You haven't established
18 that he has any background and ability in
19 that.

20 MR. CHILDS: Well, I assume he'll
21 tell me if he can't.

22 Q Go ahead.

23 A I don't know, actually, because the

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1 Charlotte?

2 A I would not.

3 Q Okay. You, in essence, had how
4 many total people as subject matter
5 experts for store managers?

6 MR. MAY: For all three sessions?

7 MR. CHILDS: Yes.

8 A Well, I didn't keep track of the
9 number, but we requested between four and
10 six for each session.

11 Q Okay. So the most you would have
12 had would have been eighteen subject
13 matter experts; is that correct?

14 A Right.

15 Q Okay.

16 A That's -- from memory, right.

17 Q All right. And they -- you put
18 them into focus groups?

19 A Correct.

20 Q So you would have had either a team
21 of four in a focus group or a team of six
22 in a focus group for Atlanta, and then the
23 same thing for Columbia and the same thing

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1 for Charlotte?

2 A Four, five, or six.

3 Q Four, five, or six, okay. And I
4 notice under Bob, Pat, and Opal, we have
5 Winslow, Harold, and Loyd?

6 A Right.

7 Q Are they also subject matter
8 experts?

9 A Yes.

10 Q And Marcus, Donna, and Rodney, the
11 same, subject matter experts?

12 A Store managers, right, in the store
13 manager focus groups.

14 Q Okay. So we have got -- all right.
15 So you said there were between twelve and
16 eighteen. Why do we only have the names
17 of nine on this document?

18 A I don't know if that's all
19 inclusive. I don't know if that's all
20 inclusive. In other words, there may have
21 been more people there and just to
22 identify the file, that may have been the
23 names used to identify the file. There

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1 analysis for corporate jobs?

2 A Job profiling, right.

3 Q Job profiling, okay. That's the
4 same as doing a job analysis; right?

5 A No, it's not.

6 Q What's the difference?

7 A Job profiling is using this
8 particular system.

9 Q The SHL Work Profiling System?

10 A Right. Job analysis would involve
11 doing other -- typically things that
12 people do when they're doing -- setting up
13 selection systems, which would include
14 critical incident -- and this is what the
15 SHL psychologist did with me with Kraft.
16 So, since I'm not industrial or
17 organizational psychologist, whenever
18 there's a system that we're putting in
19 place that involves a WPS, the WPS is
20 always the first step. There's additional
21 steps that take place in job analysis,
22 including critical incident repertoire
23 grid analysis.